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Remarks

Claims 1-7, 9-28, and 30-48, inclusive, are under consideration.

Claims 1, 21 and 42 are amended to further define preferred embodiments of this invention by specifying that the circumference of the claimed breast stabilizer element is adjustable for radially compressing at least a portion of the breast. Claim 48 is amended in order to correct the claim dependency.

Claims 8 and 29 are canceled without prejudice as redundant in view of the present amendments to claims 1 and 21.

The rejection of claims 1-4, 6, 9, 12, 21-24, 26, 27, 30, 33 and 42-48 under 35 U.S.C. 102(e) as anticipated by Hung et al. (U.S. Patent Application Publication 2004/0249317) is not warranted, and is hereby traversed.

Hung et al. neither show nor suggest the claimed invention. Figure 1 of Hung et al. merely shows a heating pad applied to the ductal region of the breast. This heating pad has neither the claimed base member with an aperture to receive the human breast therethrough, nor the claimed breast stabilizer for radial compression of at least that portion of the breast received through the aforementioned aperture.

Figure 3 of Hung et al. merely shows a harness for supporting and positioning breasts so that a removable gel-pack or heating/vibration device can be attached. Again, the claimed breast stabilizer is not shown.

Hung et al. is clearly inapposite vis-a-vis the present claims. The anticipation rejection based thereon should be withdrawn.

The rejection of all claims under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,846,218 to Kermode et al. is likewise unwarranted and is hereby traversed.

Kermode et al. do not show the presently claimed breast stabilizer element for radial compression of at least a portion of the human breast. Breast elevating module 15 clearly is not a breast stabilizer that surrounds a through aperture, that radially compresses at least a portion of the breast and, as presently claimed, has an adjustable circumference. Such an element simply is not taught by Kermode et al.

Kermode et al. do show, however, a breast stabilizing ring 25 that is positioned about the nipple. See, for example, FIG. 1 and col. 6, lines 48-63. Breast stabilizing ring 25

of Kermode et al. is an entirely different structural element that, co-acting with flexible tabs 18 and 19, serves to elevate the nipple away from base 16. Breast stabilizing ring 25 is not integral with the base 16, does not have an adjustable circumference, and does not provide radial compression for the breast.

Accordingly, independent claims 1, 21 and 42 are readily distinguishable over Kermode et al. for the foregoing reasons. Likewise, the claims dependent directly or indirectly on the aforesaid independent claims are similarly distinguishable inasmuch as these dependent claims incorporate therein the very same limitations.

Claims 44-48 are method claims. The claimed methods are not taught by Kermode et al. The Examiner also has not pointed out with particularity any portion of the Kermode et al. disclosure that even arguably anticipates the claimed methods.

The asserted anticipation rejection of all claims is not supported by the record. Withdrawal of this rejection is earnestly urged.

The Terminal Disclaimer submitted herewith is deemed to obviate the rejection based on double patenting. Please charge the required Terminal Disclaimer fee of $65.00 to our **Deposit Account No. 15-0508.** Kindly charge any additional fees or credit any overpayment concerning this matter to our Deposit Account No. 15-0508.

Early passing of this application to issue is solicited.

Respectfully submitted,

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Enclosure: Terminal Disclaimer (Form PTO/SB/26)